

**HAZARDOUS MATERIALS EMERGENCY AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kelly B. Miles**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE****General Description:**

This bill amends certain provisions of the Utah Public Safety Code relating to recovery of expenses incurred in response to a hazardous materials emergency.

**Highlighted Provisions:**

This bill:

- ▶ provides that the Hazardous Chemical Emergency Response Commission may recover from a negligent party expenses incurred by a political subdivision in a hazardous materials emergency; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-2a-703**, as renumbered and amended by Laws of Utah 2013, Chapter 295

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-2a-703** is amended to read:

**53-2a-703. Hazardous materials emergency -- Recovery of expenses.**



(1) (a) The Hazardous Chemical Emergency Response Commission may recover from those persons whose negligent actions caused the hazardous materials emergency, expenses ~~[incurred by state agencies]~~ directly associated with a response to a hazardous materials emergency taken under authority of this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act~~[-]~~, that are incurred by:

(i) a state agency; ~~→~~ ~~or~~ ~~←~~

(ii) a political subdivision as defined in Subsection 53-2a-203(3) ~~→~~ ~~[-]~~ ; or

**(iii) an interlocal entity, described in Section 11-13-203, providing emergency services to a political subdivision pursuant to written agreement.** ~~←~~

(b) The payment of expenses under this Subsection (1) ~~[does not constitute]~~ is not an admission of liability or negligence in any legal action for damages.

(c) The Hazardous Chemical Emergency Response Commission may obtain assistance from the attorney general or a county attorney of the affected jurisdiction to assist in recovering expenses and legal fees.

(d) Any recovered costs shall be deposited in the General Fund as dedicated credits to be used by the division to reimburse ~~→~~ ~~[state and local government agencies or political subdivisions for the costs they have incurred.]~~ **an entity described in Subsection (1)(a) for costs incurred by the entity.** ~~←~~

(2) (a) If the cost directly associated with emergency response exceeds all available funds of the division within a given fiscal year, the division, with approval from the governor, may incur a deficit in its line item budget.

(b) The Legislature shall provide a supplemental appropriation in the following year to cover the deficit.

(c) The division shall deposit all costs associated with any emergency response that are collected in subsequent fiscal years into the General Fund.

(3) Any political subdivision may enact local ordinances pursuant to existing statutory or constitutional authority to provide for the recovery of expenses incurred by the political subdivision.